بسم اللہ الرحمن الرحیم

In the name of Allah, the Most Gracious, the Most Merciful.

Allah, the Lord of Majesty, has made الإنسان (the human being) the noblest of all creation. The honor and value of a human can be well understood from the fact that when a Muslim is compelled by necessity, Islam permits him—even to save his life—to drink alcohol and eat pork. Rather, if a Muslim is forced at the point of certain death to utter words of disbelief, the Shariah permits him to do so as well, provided that his heart remains content and firm in faith.

In short, many sins become permissible under such conditions of compulsion. However, there is one sin that is not declared permissible even in such circumstances, and that is the unjust killing of a Muslim. That is, if a person is threatened at gunpoint and forced to kill another Muslim, then even in such a state of compulsion it is not lawful for him to kill that Muslim. In such a case, the compelled person should give up his own life if necessary, but must not take the life of an innocent person. This is that noble human being whose life has been declared by the Prophet ﷺ, by oath, to be more sacred than the Kaaba itself. In another statement, the destruction of the entire world has been described as lighter in the sight of Allah than the unjust killing of a person.

Furthermore, the honor of human life is not limited only to one’s lifetime. Even after death, the Shariah has made it obligatory to respect and honor the human body. Accordingly, the jurists, in light of the Qur’an and Hadith, have laid down very clear rulings—just as in other aspects of life—regarding the killing of those whose blood may be deemed permissible and the treatment of their bodies, so that the Ummah does not fall into excess or negligence at any stage of life.

Since we are affiliated with a jihadi movement, “Tehreek-e-Taliban Pakistan,” and it is evident that matters of killing and combat arise more frequently in such a field, if proper guidance is not provided to the fighters (Mujahideen's) regarding these matters, it is quite possible for them to commit actions خلافِ شریعت (against Islamic law). Therefore, in the chapter of قتل (killing), clarification is presented on those issues in which the likelihood of negligence is greater.

The Sanctity of Muslim Blood

Statements of Allah Almighty regarding the sanctity of a Muslim’s life:

In Surah Bani Isra’il, Allah Almighty says:

وَلَا تَقْتُلُوا النَّفْسَ الَّتِیْ حَرَّمَ اللّٰهُ اِلَّا بِالْحَقِّ ؕ وَمَنْ قُتِلَ مَظْلُوْمًا فَقَدْ جَعَلْنَا لِوَلِیِّهٖ سُلْطٰنًا فَلَا یُسْرِفْ فِّی الْقَتْلِ ؕ اِنَّهٗ كَانَ مَنْصُوْرًا ۳۳

Translation:

> “And do not kill the soul which Allah has forbidden, except by right (i.e., according to the law). And whoever is killed unjustly, We have given his heir authority (to seek retribution), but let him not exceed limits in killing. Indeed, he is supported.” (17:33)

And in Surah Al-Furqan, Allah says:

وَالَّذِیْنَ لَا یَدْعُوْنَ مَعَ اللّٰهِ اِلٰهًا اٰخَرَ وَلَا یَقْتُلُوْنَ النَّفْسَ الَّتِیْ حَرَّمَ اللّٰهُ اِلَّا بِالْحَقِّ وَلَا یَزْنُوْنَ ۚ وَمَنْ یَّفْعَلْ ذٰلِكَ یَلْقَ اَثَامًا ۶۸ یُّضٰعَفْ لَهُ الْعَذَابُ یَوْمَ الْقِیٰمَةِ وَیَخْلُدْ فِیْهٖ مُهَانًا ۶۹

Translation:

> “And those who do not invoke with Allah another deity, nor kill the soul which Allah has forbidden except by right, nor commit unlawful sexual intercourse—and whoever does that shall meet a penalty. The punishment will be multiplied for him on the Day of Resurrection, and he will abide therein humiliated.” (25:68–69)

Allama Abu Hafs al-Hanbali (رحمه الله), in his tafsir Al-Lubab fi ‘Ulum al-Kitab, while explaining the verse “as if he has killed all mankind”, states regarding the killing of a protected soul:

Mujahid (رحمه الله) said: “Whoever kills a protected soul will enter the Fire because of killing it, just as he would enter it if he had killed all of mankind.”

And in Surah An-Nisa, Allah Almighty says:

﴿وَمَنْ يَّقْتُلْ مُؤْمِنًا مُّتَعَمِّدًا فَجَزَآؤُهٗ جَهَنَّمُ خَالِدًا فِيْهَا وَغَضِبَ اللّٰهُ عَلَيْهِ وَلَعَنَهٗ وَاَعَدَّ لَهٗ عَذَابًا عَظِيْمًا ٩٣﴾

Translation:

> “And whoever kills a believer intentionally—his recompense is Hell, wherein he will abide forever, and Allah’s غضب (wrath) is upon him, and He has cursed him and prepared for him a great punishment.” (4:93)

The severity and humiliation of the punishment for one who intentionally kills a believer can be understood from the fact that in a single verse, Allah mentions not only Hell as the punishment, but also emphasizes its شدت (intensity) by stating: eternal dwelling, wrath, curse, and a عظيم (great) punishment.

Unjust killing is such a grave major sin that it has been mentioned alongside shirk (associating partners with God) in the Qur’an and Hadith:

Ḥāfiẓ Ibn Kathīr (may Allah have mercy on him), while explaining the verse “And whoever kills a Believer (المؤمن) intentionally…” (An-Nisā’: 93), declares intentional killing a great (عظيم) sin and a major act of disobedience. He states that killing a Muslim unjustly is such a great sin that Allah, the Most Glorious, has mentioned it alongside shirk, which is a great oppression(عظيم ظلم). He writes:

“This is a severe warning and a definite threat for the one who commits this great(عظيم) sin, which has been mentioned together with shirk in more than one place in the Book of Allah. Allah, Glorified and Exalted, says in Sūrah Al-Furqān: ‘And those who do not invoke another deity with Allah, nor kill a soul which Allah has forbidden except with right…’ (25:68). And He also says: ‘Say: Come, I will recite what your

Lord has prohibited for you: that you do not associate anything with Him… and do not kill the soul which Allah has forbidden except by right…’ (6:151). There are very many verses and hadiths regarding the prohibition of killing.”

Translation: “This is a severe warning and a confirmed threat for those who commit this عظيم sin. Intentional killing has been mentioned alongside shirk. Allah states in Sūrah Al-Furqān: those who do not call upon any other god besides Allah and do not kill a soul which Allah has forbidden except with justification, and do not commit adultery. And He says: Come, I will recite what your Lord has forbidden for you: do not associate anything with Him… and do not kill a soul which Allah has forbidden except lawfully. These are instructions so that you may understand.”

Hadiths Regarding Unlawful Killing:

In Islam, the sanctity of a believer’s life can be gauged from the fact that the Prophet Muhammad considered the killing of a believer greater than the destruction of the entire world.

Narrated by Abdullah ibn Amr (RA): The Prophet said:

"The destruction of the world is lighter to Allah than the killing of a Muslim."

(Tirmidhi, Chapter: The severity of killing a believer)

This hadith emphasizes that the unlawful killing of a Muslim is a greater calamity than the end of the entire world.

Narrated by Al-Bara ibn Azib (RA): The Messenger of Allah said:

"The end of the entire world is lighter in the sight of Allah than shedding blood without right."

(Shu’ab al-Iman)

During the Farewell Pilgrimage, the Prophet ﷺ warned about the seriousness of violating the life and property of a Muslim:

"Your blood, your property, and your honor are sacred to you, just as this day of yours is sacred, in this month of yours, in this city of yours, until you meet your Lord. Listen! Have I conveyed the message? They said: Yes! He said: O Allah, be a witness. Let those present convey it to the absent; often the one who conveys remembers more than the listener. Do not return after me as disbelievers who kill one another."

(Sahih Bukhari, Chapter: The Farewell Sermon at Mina)

Narrated by Abu Saeed Khudri and Abu Huraira (RA): The Prophet ﷺ mentioned the punishment for the killer of a believer:

"If the inhabitants of the heavens and the earth were to join together in the killing of a believer, Allah would cast them all into the Fire."

(Tirmidhi, Chapter: The ruling on blood)

Narrated by Abdullah ibn Mas’ud (RA): The Prophet ﷺ said:

"The first matter to be judged among people on the Day of Judgment will be regarding blood."

(Bukhari, Chapter: Whoever intentionally kills a believer)

Explaining this, Nawab Qutbuddin writes:

"This means that on the Day of Judgment, among the rights of people, the very first case to be decided will be the issue of human blood; and among the rights of Allah, the first question will be about prayer. More accurately, among the prohibitions, the first to be judged is blood, and among obligations, the first to be asked about is prayer."

(Mazahir al-Haqq, Vol. 3, p. 493)

Narrated by Abdullah ibn Umar (RA): The Prophet ﷺ said:

"Among the disastrous matters from which there is no escape for one who falls into them is shedding forbidden blood."

(Bukhari, Chapter: Whoever intentionally kills a believer, his punishment is Hell)

Narrated by Abdullah ibn Samit (RA): The Prophet ﷺ said:

"Whoever kills a believer and rejoices in it, Allah will not accept any of his voluntary or obligatory acts of worship."

(Abu Dawood, Chapter: The sanctity of killing a believer)

Narrated by Abdullah ibn Umar (RA): The Prophet ﷺ said:

"A believer will continue to advance in his faith as long as he does not commit forbidden bloodshed."

(Sahih Bukhari, Chapter: Whoever intentionally kills a believer, his punishment is Hell)

Narrated by Abu Darda (RA): The Prophet ﷺ said:

"A believer remains active in obedience and righteous deeds as long as he does not commit forbidden bloodshed; when he does, he becomes sluggish and weak."

(Abu Dawood)

Narrated by Abu Huraira (RA): The Prophet ﷺ said:

"Whoever helps in killing a believer, even by half a word, will meet Allah with written between his eyes: hopeless of Allah’s mercy."

(Ibn Majah, Chapter: Emphasis on killing a Muslim unjustly)

Narrated by Ibn Abbas (RA): The Prophet ﷺ said:

"On the Day of Judgment, the murdered will come to the killer with his forehead and head in his hand, veins flowing with blood, saying: O Lord, this person killed me, until he brings him near the Throne."

(Tirmidhi)

Narrated by Abu Darda (RA): The Prophet ﷺ said:

"Allah may forgive every sin, except one who dies in shirk, or one who intentionally kills a believer."

(Abu Dawood, Chapter: Magnifying the killing of a believer)

Mulla Ali al-Qari explains:

"In the narration from al-Jami’ al-Saghir: 'or kills a believer intentionally' means he intended to kill him because he was a believer or wanted to emphasize it."

(Marqat al-Mafatih, Sharh Mishkat al-Masabih)

Narrated by Abdullah ibn Umar (RA): While circumambulating the Kaaba, the Prophet ﷺ said:

"How pure and fragrant you are! How great and sacred you are! By Him in Whose hand is Muhammad’s soul, the sanctity of a believer is greater in the sight of Allah than yours, his life and property are more sacred, and we should think only good of him."

(Ibn Majah, Sunan)

Narrated by Abdullah ibn Amr (RA): The Prophet ﷺ said:

"The major sins are: associating partners with Allah, disobedience to parents, killing a person without right, and false oath."

(Sahih Bukhari, Chapter: False oath)

How should a person Mubaa-Al Daam (whose blood is permissible to shed) be killed?

Some people think that when a person becomes mubah al-dam (one whose blood is legally permissible to be shed), then they can be killed in any way, whereas, in fact, Shariah has given us clear rulings even regarding the killing of a mubah al-dam person.

In terms of capability (qudrat), a mubah al-dam person is of two types:

1. Maqdoor ‘alayh (capable/controllable)

2. Ghair Maqdoor ‘alayh (incapable/uncontrollable)

During jihad and combat, the ghair maqdoor ‘alayh mubah al-dam and muharib (hostile) people can be killed in any way. However, the killing of a maqdoor ‘alayh person has details. When the Imam or the Muslim community intends to kill any person, other than a married fornicator (zani muhsan), who is both mubah al-dam and maqdoor ‘alayh, they should adopt a method of killing that is best (ahsanu), easiest, and most comfortable, so that the soul departs easily. The scholars of Fiqh have explained that the method is to sever the head with a sharp sword (above the neck bone and below the brain).

It is not permissible to kill a maqdoor ‘alayh mubah al-dam person by starvation, thirst, slaughter in cruel ways, or other impermissible methods. This applies whether the mubah al-dam person is a Muslim, a disbeliever, or an apostate, and whether the killing is hadd, qisas, or ta’zir. As Allama Kasani (rahimahullah) states:

"And when the Muslims resolve to kill prisoners, they should not torture them with hunger, thirst, or other forms of torment, because such torment is without benefit." (Bada’i’ al-Sana’i’ fi Tartib al-Shara’i’, 7/120)

And in the Al-Mawsu’ah al-Fiqhiyyah al-Kuwaitiyyah:

"And the scholars say: If the Imam intends to kill the prisoners, he should not torture them with thirst and hunger, but rather kill them in an honorable manner." (4/199)

The Hadith also states:

"On the authority of Abu Ya’la Shaddad bin Aws, the Messenger of Allah (peace be upon him) said: 'Indeed Allah has prescribed excellence (ihsan) in all things. So when you kill, kill well, and when you slaughter, slaughter well. Sharpen your blade and relieve the suffering of your slaughtered animal.'" (Muslim)

Mulla Ali al-Qari (rahimahullah) explains:

"Imam Nawawi (rahimahullah) says: This Hadith is general for all forms of killing, whether it is qisas, hadd, or the like, and for slaughtering animals. It is one of the comprehensive Hadiths." (Maraqaat al-Mafateeh, 6/2649)

Allama Ibn Rajab (rahimahullah) comments:

"This Hadith indicates the obligation of excellence (ihsan) in every act, but the excellence of each thing is according to its nature... The excellence in killing people or animals whose killing is permissible is to end their life in the fastest, easiest, and mildest way, without additional torture, as inflicting pain unnecessarily is forbidden." (Jami’ al-Ulum wal-Hikam, 1/428)

A contemporary scholar, Abu Abdullah al-Ma’afari, explains:

"Allah commands excellence in killing humans and excellence in slaughtering animals." (As’ila Mutadawala, p.41)

Allama Manawi (rahimahullah) states:

"The most merciful people in killing are the believers. They are the most careful not to mutilate or torture the deceased, out of reverence for their Creator and obedience to the teachings of the Prophet (peace be upon him), who said: 'When you kill, do it well, and when you slaughter, do it well.' Unlike disbelievers or some sinners who have not tasted the sweetness of faith, their hearts are hardened, far from Allah’s mercy. The hardest heart is furthest from Allah, and those who show no mercy will not be shown mercy. 'Qatlah' (killing method) carries a severe warning against mutilation and corruption of the dead body." (Fayd al-Qadeer, 2/7)

Ibn Qayyim (rahimahullah) states:

"Striking the neck with a sword is the best and fastest method to end a life. Allah has prescribed this method for killing disbelievers and apostates, not piercing the neck. However, for a married fornicator (zani muhsan), stoning is prescribed so that the pain reaches all parts of the body where the forbidden pleasure was attained, even though this is one of the harshest forms of killing." (Al-Salat wa Ahkam Tarikiha, p.31)

Ibn Rajab (rahimahullah) also says:

"It has been said that Allah specified the place to strike that is easiest for the victim: above the bones and below the brain." (Sharh Ibn Rajab ‘ala al-Arba’in al-Nawawiyyah, p.125)

By “sword (Sayf),” is meant a weapon:

Allama Husakfi, may Allah have mercy on him, says:

(“And it is only carried out with the sword”)—and if someone kills with anything else, it is contrary to the Shafi‘i view. And in Al-Durar, citing Al-Kafi: what is meant by the sword is the weapon. I said: And he clarified this in the discussion of implied obligations, where he said: “And specifying by the number does not prevent including others under it; do you not see that we have included the spear and dagger under the sword in the saying—peace and blessings be upon him—‘No qisas except by the sword’?” And what is stated in Al-Sirajiyyah: “Whoever has qisas is executed by the sword. So if he throws him into a well, or kills him with a stone, or by another means, he is punished and it is complete. It is to be understood that what is meant by the sword is a weapon. And Allah knows best.” (Al-Durr al-Mukhtar, Sharh Tanweer al-Absar)

That is, qisas (retribution) is to be carried out with a weapon, even if the killer used any other method. The term “sword” refers to a weapon, and this includes spear and dagger as well. Therefore, if a person kills another—whether by throwing him into a well, hitting him with a stone, or using any other object—he is subject to punishment.

Regarding the phrase “or by another means,” Allama Shami, may Allah have mercy on him, explains:

“That is, by something other than a weapon, for example, if he tramples him with his mount or throws him into fire.” (Radd al-Muhtar)

Allama Ibn al-Humam, may Allah have mercy on him, states:

“The truth is that what is meant by ‘sword’ in the aforementioned hadith is the weapon in general, in a figurative sense, as the author indicated by saying: ‘and what is meant by it is the weapon.’ This was clarified by the authors of Al-Kafi and Al-Kifayah, who said: and our proof is the Prophet’s statement: ‘No qisas except by the sword,’ meaning qisas is only fulfilled by a sword, and by sword is meant a weapon. The companions, may Allah be pleased with them, understood it this way.

And the companions of Ibn Mas‘ud said: ‘No qisas except by a weapon,’ and he only used the sword figuratively to indicate the weapon.” (Fath al-Qadeer)

From all the above statements, it becomes clear that, aside from a married adulterer, when killing a person whose blood is permissible and whose life is subject to retribution, the most proper, easy, swift, and quickest method to end life should be chosen—that is, killing by the sword (weapon). However, even when using a weapon, one precaution is necessary: a weapon that would cause mutilation must not be used.

Methods of killing known among the Kharijites or in some countries are contrary to Shariah, such as hanging, strangulation, burning, drowning, cutting off limbs, binding to explosives and detonating, blowing up on a mine, destroying with cannons or rockets, throwing from mountains, pouring into hot oil, electrocution, poisoning, immersing in acid or chemicals, being bitten by snakes or scorpions, beating with sticks, crushing with stones, throwing before wild animals, trampling by animals, running over by vehicles, or throwing into blind wells, etc.

And in the aforementioned statement of Faiz al-Qadeer, it is clarified that mutilating the victim, deforming their body, or inflicting punishment by other methods is not the practice of the believers. Rather, killing with torture in various ways is the work of disbelievers and some sinful people whose hearts are devoid of the sweetness of faith, who only outwardly appear Muslim while their hearts are full of hardness and cruelty, and they are far removed from the mercy of the Most Merciful.

"Can a person Mubaa-Al-Dam (whose blood is permissible to shed) be slaughtered?"

In the above statements of the eminent jurists (fuqaha) and great hadith scholars (muhaddithin), may Allah have mercy on them, the method mentioned for killing a

person whose blood is permissible (madhmūm al-dam) — “killing with a sword or weapons” — is the lawful method.

The Prophet ﷺ, after capturing some major disbelievers in the Battle of Badr, had them killed with the sword. Similarly, hundreds of Jews of Banu Qurayzah were also killed with the sword; none of them were slaughtered (dhabiḥ) with a knife. We do not find the method of slaughtering with a knife (dhabiḥ bi-l-sikkīn) for a person whose blood is permissible. Likewise, jurists have included cutting off the head from the body of a dead person in “muthlah” (dismemberment) and considered it a practice of ignorance (jahiliyyah). The immediate Caliph, Commander of the Faithful, Abu Bakr Siddiq رضي الله عنه, considered taking the heads of the slain as a practice of the Romans and Persians (disbelievers). A few pages later, the statement of the Commander of the Faithful is elaborated in detail via reference to Shams al-A’immah, Imam Sarakhsi رضي الله عنه.

However, slaughtering with a knife was frequent among the Kharijites, as narrated in traditions that they killed Ḥaḍrat ʿAbdullāh ibn Khabbāb رضي الله عنه like a goat, then slit open the stomach of his mother. For this killing, the Commander of the Faithful Ḥaḍrat ʿAlī رضي الله عنه fought the Haruriyyah and killed them all.

A narration from Abu al-Ahwas states:

"On the day of Nahrawan, we were with Ali ibn Abi Talib رضي الله عنه near the river, when the Haruriyyah came and stationed themselves across the river. Ali said: ‘Do not engage them until they initiate something.’ They went to ʿAbdullāh ibn Khabbāb and asked him to tell them a tradition which his father had heard from the Messenger of Allah ﷺ. He said: ‘My father told me that he heard the Messenger of Allah ﷺ say: “There will be trials, in which the one who remains seated is better than the one who stands, and the one who stands is better than the one who walks.”’ They took him to the river and slaughtered him like a sheep. When Ali رضي الله عنه was informed, he said: ‘Allāhu Akbar! Call them to hand over the killer of ʿAbdullāh ibn Khabbāb.’ They said: ‘We all killed him,’ three times. Ali رضي الله عنه then said to his companions: ‘Attack these people,’ and shortly after Ali and his companions killed them." (Narrated by al-Dār Qutni in Sunan, Kitab al-Hudud wa al-Diyat)

Some people justify slaughtering with a knife using hadiths in which the Prophet ﷺ said:

"Do you hear, O Quraysh? By Him in Whose hand is the soul of Muhammad, I have certainly come to slaughter you." (Al-Ihsan fi Taqrib Sahih Ibn Hibban)

And in Muslim: "The Prophet of battle" (nabi’ al-malhamah), meaning fighting, as he said: "I was sent to slaughter."

In these narrations, the slaughter (dhabiḥ) does not refer to literal slaughter, but is a figurative expression for killing.

Similarly, his statement: “Allah commanded me to burn Quraysh” is also a metaphor for killing, like his statement: “I have come to slaughter you.” (Tafsir Gharib Ma fi al-Sahihayn)

Some people cite the verses of Surah al-Anfal and Surah Muhammad:

﴿فَاضْرِبُوا فَوْقَ الْأَعْنَاقِ وَاضْرِبُوا مِنْهُمْ كُلَّ بَنَانٍ﴾ (Al-Anfal)

﴿فَإِذا لَقِيتُمُ الَّذِينَ كَفَرُوا فَضَرْبَ الرِّقابِ﴾ (Muhammad)

However, these cannot be used to justify slaughtering a person whose blood is permissible, for several reasons:

1. No authentic or recognized mufassir (Quranic exegete) or jurist has used these verses to justify dhabiḥ of a person whose blood is permissible.

2. These verses command striking (ḍarb), not slaughtering (dhabiḥ), and there are several differences between striking and slaughtering:

In hadith, dhabiḥ is applied to animals, while qatl (killing) is applied to humans: “When you kill, do it well; when you slaughter, do it well.”

Striking is usually a single blow, while slaughtering involves repeated cutting.

Striking does not require restraint, while slaughtering requires holding the victim.

Striking is associated with the sword, slaughtering with a knife.

Striking with the sword is faster and easier to take life, which is the legally intended method; slaughtering is torturous and prohibited.

3. In these verses, striking the neck occurs during combat (for non-permissible victims), and during battle, any lawful method that can kill the enemy is permitted.

Ibn Kathir رحمه الله comments on the verse ﴿فَإِذا لَقِيتُمُ الَّذِينَ كَفَرُوا فَضَرْبَ الرِّقابِ﴾:

"That is, when you confront them, strike them down thoroughly with swords." (Tafsir Ibn Kathir, Vol. 7, p. 284)

“Beheading the enemy’s head and taking it away.”

Beheading the enemy and taking the head away falls under mutilation according to the statements of the jurists and is among the practices of the pre-Islamic period of ignorance. The jurists have declared it disliked (makruh). As Allama Ibn Najim (may Allah have mercy on him) states:

> "As for those killed among the people of rebellion, the funeral prayer is not performed for them, but they are washed, shrouded, and buried. It is disliked that their heads be taken and sent far away. The same applies to the heads of the people of war, for this is mutilation."

(Al-Bahr Al-Raiq, Sharh Kanz al-Daqa’iq, Manna al-Khaliq wa Takmila al-Turi, 5/153)

“Funeral prayer will not be offered for rebels, but they are washed, shrouded, and buried. It is disliked to cut off their heads and send them to distant places; the same ruling applies to the heads of the people of war, because this is mutilation.”

However, taking the heads of the leaders of the disbelievers to the Caliph of the time is permissible if the purpose is: to humiliate the enemies of Islam, provoke them, or reassure the hearts of the Muslims. In such cases, the Hanafi jurists (may Allah have mercy on them) permitted it. As Imam Sarakhsi (may Allah have mercy on him) states:

> "It is reported from ‘Uqbah ibn ‘Amir al-Juhani (may Allah be pleased with him) that he brought the head of Yanaq al-Batriq to Abu Bakr as-Siddiq (may Allah be pleased with him). Abu Bakr disapproved of it. He was told: ‘O Caliph of the Messenger of Allah! They do this to us.’ He said: ‘Do you want to follow the ways of Persia and Rome? Let no head be brought to me; a letter or news is sufficient.’ In one narration, he told them: ‘You have transgressed the limits.’ In another narration, he wrote to his officials in Syria: ‘Do not send me heads; a letter or news is sufficient for me.’

> According to the apparent meaning of the hadith, some scholars said that it is not permissible to bring heads to the governors because they are corpses. The proper method is to bury them to remove harm, and because displaying the head is mutilation, which the Messenger of Allah prohibited, even if it is done to a rabid dog. Abu Bakr (may Allah be pleased with him) clarified that this is the act of the people of ignorance, and we are forbidden to imitate them. Most of our scholars (may Allah have mercy on them) hold that if it is done to humiliate the disbelievers, provoke them, or ease the hearts of the Muslims—especially if the killed person was a commander or a prominent enemy warrior—then there is no harm in it."

(Sharh al-Siyar al-Kabir, p. 110)

‘Uqbah ibn ‘Amir al-Juhani (may Allah be pleased with him) reported that he brought the head of a disbelieving commander to Abu Bakr (may Allah be pleased with him), and Abu Bakr disliked it. When someone said: “They also do this to us,” Abu Bakr replied: “Do you want to imitate the ways of Persia and Rome? No head should be

brought to me; letters and reports are sufficient.” In one narration, he told them: “You have exceeded the limit.” And in another narration, he instructed his officials in Syria not to send him heads, only letters and reports. Some scholars deduced from the apparent meaning of the hadith that bringing heads to the rulers is not lawful, as they are corpses. The correct way is to bury them to remove harm because beheading is mutilation, and the Prophet ﷺ forbade mutilation even of a rabid dog. Abu Bakr clarified that this is the practice of the people of ignorance, which we are forbidden to imitate. Most scholars say that if it serves the purpose of humiliating disbelievers, provoking them, or consoling Muslims—particularly if the slain person was a commander or a prominent warrior—then it is permissible.”

Imam Sarakhsi (may Allah have mercy on him) mentions the heads of Abu Jahl, Sufyan ibn ‘Abdullah, and Ka‘b ibn Ashraf being brought to the Prophet ﷺ. Since they were leaders of disbelievers, there was no harm in beheading them. He states:

> “Do you not see that ‘Abdullah ibn Mas‘ud (may Allah be pleased with him) brought the head of Abu Jahl to the Messenger of Allah ﷺ on the day of Badr and laid it before him, saying: ‘This is the head of your enemy Abu Jahl.’ The Messenger of Allah ﷺ said: ‘Allah is greater! This is my Pharaoh and the Pharaoh of my nation. His evil upon me and my nation was greater than the evil of Pharaoh upon Moses and his nation.’ He did not prevent or reprimand him for this.

> This is the meaning narrated by Az-Zuhri (may Allah have mercy on him): no head was brought to the Prophet ﷺ except on the day of Badr. When a head was brought to Abu Bakr, he disapproved. The first to have heads brought to him was Ibn Zubayr (may Allah be pleased with him). When the Prophet ﷺ sent ‘Abdullah ibn Unays to kill Ka‘b ibn Ashraf, he brought his head to the Prophet ﷺ, and the Prophet ﷺ did not object. From these narrations, it becomes clear that there is no harm in this, and Allah is the grantor of success.”

(Sharh al-Siyar al-Kabir, p. 110)

Definition of Muṣalah (Amputation as Punishment):

Al-Muthallah: With a Ḍammah followed by Sukūn, from the root mas – mathala yamthulu and yumaththilu, plural mathalāt – means punishment and infliction of torment.

Distortion by cutting off the limbs of a living or dead person. (Dictionary of the Language of Jurists, p. 404)

This means that, as a form of punishment and lesson, cutting the limbs of a living or dead person and disfiguring them is called Muṣalah.

Allama al-Khatib (may Allah have mercy on him) defines Muṣalah as:

"Al-Muṣalah is the punishment of the slain by cutting off his limbs and disfiguring his body, whether before or after being killed, such as cutting off his nose or ear, or gouging out his eye, or other similar parts of his body." (Ma‘ālim al-Sunan, al-Khatib, passed away 388 AH)

“Muṣalah occurs by cutting the limbs of the murdered person and disfiguring his body, whether before or after the killing, such as cutting off his nose, ear, or taking out his eye, or similar acts to other limbs.”

Ruling on Muṣalah:

The noble jurists (may Allah have mercy on them) have declared Muṣalah, like treachery (ghadr) and unjust taking of spoils (ghulūl), as prohibited, as mentioned in Bahr al-Rā’iq:

(His statement: "And treachery, and unlawful spoils, and Muṣalah") – meaning, we are forbidden from it because of his saying – peace be upon him – "Do not commit ghulūl, do not commit ghadr, and do not commit Muṣalah." And these three are prohibited, as stated in Fath al-Qadīr. (Bahr al-Rā’iq)

This means we are forbidden from treachery, dishonesty in spoils, and Muṣalah, because of the Prophet ﷺ’s command: “Do not commit ghulūl, do not commit ghadr,

and do not commit Muṣalah.” All three are prohibited, as mentioned in Fath al-Qadīr.

Allama Ibn ‘Abd al-Barr (may Allah have mercy on him) states:

"Muṣalah is prohibited according to the consensus of the Sunnah." (Al-Istidhkār, 5/33)

Ruling on Mutilation Before Subduing the Enemies of Islam:

Before subduing the enemies of Islam, if a fighter’s strike results in cutting off the enemy’s nose, ear, eye, hand, or other body parts, leading to mutilation, there is no harm in it. This is because striking and mutilating the enemy in this way before subduing them causes them greater humiliation and harm. In the battlefield, it is permissible to fight the enemy in any way possible before bringing them under control.

Allah Almighty says:

“So when you meet those who disbelieve, strike the necks” (Surah Muhammad)

And Allah Almighty says:

“Strike above the necks and strike all their fingertips from them” (Surah Al-Anfal)

Ibn Jarir said:

“It means: O believers! Strike every part and joint of the enemy’s hands and feet.” (Tafsir Ibn Kathir, vol. 4, p. 26)

Imam Zaili said:

He (may Allah have mercy on him) wrote: Regarding mutilation, it is narrated from Safwan ibn Assal that the Messenger of Allah sent us on an expedition and said:

“March in the name of Allah and in the way of Allah, fight those who disbelieve in Allah, but do not mutilate, do not betray, and do not kill a child.”

Reported by Ahmad and Ibn Majah. In Sharh Al-Mukhtar, it is explained that prohibition applies after subduing them, but before that, there is no harm, because it causes them more humiliation and harm. This is considered better, and similar to burning with fire. (Tibyan al-Haqa’iq, Sharh Kanz al-Daqa’iq, Book of Battles)

Imam Ibn al-Hummam said:

“Before that, there is no harm if, during a duel, a fighter strikes and cuts off the enemy’s ear, then strikes and pokes out his eye, then strikes and cuts off his nose and hand, and similarly other body parts.” (Fath al-Qadeer, Chapter on Rules of Fighting)

Allama Haskafi said:

“We are forbidden from treachery, plundering, and mutilation after subduing them; as for before, there is no harm—it is a matter of choice.” (Al-Durr al-Mukhtar)

Allama Shami said:

“He restricted its permissibility before subduing in ‘Fath’ by stating: if fighting occurs, like a duel where a fighter strikes and cuts off the enemy’s ear, then strikes and pokes out his eye, then strikes and cuts off his hand and nose, and similarly.” (Radd al-Muhtar, Book of Jihad)

In Fath al-Qadeer, the permissibility of mutilation is limited to ‘before’, meaning when the battlefield is active and a fighter cuts the enemy’s body parts with his strike.

Moreover, even if an enemy comes under a fighter’s control during the battle, mutilation is not permissible; if he is to be killed, he should be killed without mutilation. As Allama Shami said:

“It is clear that if one gains control of a disbeliever during combat, he should not mutilate him, but rather kill him.” (Radd al-Muhtar, Book of Jihad)

From the above statements of Allama Shami and Imam Zaili, it is clear that ‘after subduing them’ mutilation is religiously prohibited.

Ruling on Qisas (Retribution) and Diyat (Compensation) for Mutilation:

If a person mutilates another person, and as a result of that mutilation the victim dies, then the person who committed the mutilation will be executed as qisas (retribution for murder), but their body will not be mutilated.

Allama Shami (may Allah have mercy on him) says:

"The effect of the prohibition and abrogation appears in the case of one who mutilates another until it results in death. The implication of abrogation is that he should be executed immediately and not be subjected to mutilation."

— Fath Mulkhasan (Radd al-Muhtar, Kitab al-Jihad)

This means: if a person kills another by mutilation, the abrogated ruling requires that he be executed outright, not that he be killed by mutilation.

If the victim does not die from the mutilation, the perpetrator must wait until the victim’s wounds heal; one cannot demand qisas for body parts before healing. Once the wound has healed, the perpetrator will be subjected to qisas, but this mutilation will be incidental (as part of the retribution) rather than intentional.

Narrated from Jabir (RA):

"A man stabbed another man in the knee with a horn. The victim came to the Prophet ﷺ seeking retribution. He was told to wait until the wound healed, but he refused and demanded retribution immediately. The Prophet ﷺ said that his leg had decayed and the leg of the man from whom he sought retribution had healed, so he came to the Prophet ﷺ again, and the Prophet ﷺ told him that he had no right to qisas because he had first refused to wait. No retribution can be taken until the wound heals."

In Al-Istidhkar, it is stated:

"Most scholars—Imam Malik, Abu Hanifa, their companions, and the scholars of Kufa and Madinah—hold that qisas for wounds is not taken until the wound has healed."

— Nukhb al-Afkar fi Tanqih Mabani al-Akhbar, 15/285

Regarding accidental mutilation:

"If a man accidentally cuts another man’s hand and it heals, he owes diyat (blood money) for the hand. If the person dies from it, he owes diyat for the life, not for the hand, and the hand’s diyat merges into the diyat for the life. The person is considered as if he committed murder, not merely mutilation. The ruling for a body part only applies while the person is alive; if the person dies, there is no ruling for that body part. The same principle applies if the hand is cut intentionally: if the victim recovers, the qisas applies to the hand, but if the victim dies, the qisas applies to the whole life, not the hand, by analogy to accidental injury rulings."

— Nukhb al-Afkar, 15/286

Regarding multiple mutilations:

If a person is liable to have multiple body parts subjected to qisas, the judge must ensure that one body part is punished and allowed to heal before punishing the next. Imam Ibn al-Humam (may Allah have mercy on him) says in Fath al-Qadir:

"If someone commits multiple crimes against several people without causing death —cutting one man’s nose, two ears of another, gouging an eye of a third, cutting a hand of another, a leg of another—then qisas is obligatory for each according to each person’s right. However, each qisas must be carried out after the previous wound has healed. In this case, the person is mutilated incidentally (as part of qisas) and not intentionally."

— Fath al-Qadir, Bab Kayfiyyat al-Qital

This means: if someone injures multiple people such that none die—cutting a nose, ears, gouging an eye, cutting hand or foot—qisas is obligatory for each. However, each qisas must wait until the previous wound has healed. In such cases, the perpetrator is mutilated, but it is incidental, not intentional.

Ruling on Mutilation of Prisoners:

Mutilation of prisoners is not permissible. In Al-Nahr al-Faiq it is stated:

“And we are also forbidden from ghadr (i.e., breaking a treaty) and ghulul (i.e., treachery regarding spoils before division), and from muthlah. And in Al-Siraj: Muthlah is that they cut off the limbs or body parts of prisoners, such as the ear, nose, tongue, or finger, and then either kill them or let them go. It is also said: it is to behead them, cut open their abdomens, and cut off their genitals.” (Al-Nahr al-Faiq, Sharh Kanz al-Daqa’iq 3/205)

Similarly, in Al-Jawharah al-Nirah it is mentioned:

“Do not perform muthlah, and it is that they cut off the limbs or body parts of prisoners, such as the ear, nose, tongue, or finger, then kill them or let them go. It is also said: it is to behead them, cut open their abdomens, and cut off their genitals. All of this is impermissible.” (Al-Jawharah al-Nirah ala Mukhtasar al-Quduri 2/259)

Ruling on Mutilation of Enemy Animals in War:

Just as mutilation of enemies is not permissible, similarly, mutilation of the enemy’s animals is also not allowed. If it is easy to remove enemy animals from the battlefield, they should be removed. If removing them is difficult, then leaving them alive, merely injuring them, or burning them is not permissible. Instead, the correct procedure is to first slaughter them properly and then burn them.

Imam Al-Jassas (may Allah have mercy on him) states:

> “Do not perform muthlah, neither on humans nor on animals. The prohibition of muthlah applies to unbelievers and their animals if they cannot be removed; because the prohibition of muthlah is widely reported from the Prophet in general, beyond specific reports.” (Sharh Mukhtasar al-Tahawi lil-Jassas, 7/45)

He further explains:

> “The prohibition of muthlah regarding animals informs us that when we cannot transfer them to the Dar al-Islam, it is not permissible to maim them, leave them, or burn them alive. Rather, they should be slaughtered first and then burned, so that mutilation does not occur.”

Punishment of Highway Robbers:

Sometimes the Mujahideen encounter highway robbers, and therefore their punishments are also mentioned. The actions of highway robbers are of different kinds, and accordingly, their punishments have been transmitted in various forms.

If they only commit murder but do not take property or anything else, in this case, according to Imam Abu Hanifa (may Allah have mercy on him), they will only be executed.

If they take property but do not commit murder, that is, they have not killed anyone, then the hands and feet of the highway robbers will be cut off.

If they both take property and commit murder, the Imam has four options, which are mentioned in the following statement:

> “Abu Hanifa, Abu Yusuf, Muhammad, and Zufar (may Allah have mercy on them) said: If the highway robbers commit murder and do not go beyond that, they should be executed.

If they take property and do not go beyond that, their hands and feet should be cut off alternately, and there is no difference of opinion among our scholars regarding this.

If they commit murder and take property, Abu Hanifa said: The Imam has four options: if he wishes, he may cut off their hands and feet and execute them; if he wishes, he may cut off their hands and feet and crucify them; if he wishes, he may crucify them; and if he wishes, he may execute them without cutting off their limbs.

Abu Yusuf and Muhammad said: If they commit murder and take property, they should be crucified and executed, but their hands and feet should not be cut off.”

(Nukhbat al-Afkar fi Tanqih Mabani al-Akhbar fi Sharh Ma’ani al-Athar, 15/259)

Abu Hanifa, Abu Yusuf, Muhammad, and Zufar (may Allah have mercy on them) stated:

When the robbers only commit murder, they will be executed.

If they only steal property, their hands and feet will be cut off in alternating directions, and there is no disagreement among scholars on this matter.

If they commit murder and steal property, Imam Abu Hanifa (may Allah have mercy on him) says the Imam has four options: he may cut off their hands and feet and execute them, or cut off their hands and feet and crucify them, or crucify them, or execute them without cutting off their limbs.

Imam Abu Yusuf and Imam Muhammad (may Allah have mercy on them) state that if they commit murder and steal property, they will be crucified and executed, but their hands and feet will not be cut off.

In the punishment of highway robbers, in the two cases where Damm (bloodshed) is mentioned along with Mithl (retaliation), it is considered a Hadd (prescribed punishment), which is the intended objective.

A Doubt and Its Resolution:

If someone doubts that in the incident of the ‘Araniyeen, after punishing the adulterers with muthla (amputation of the hand and foot on opposite sides, depending on the context), their punishment was lawful, then according to this logic, the punishment of the enemies of Islam should also be considered lawful.

Answer:

The muthla mentioned in the story of the ‘Araniyeen was abrogated after the revelation of the hudood (Islamic legal punishments).

As Imam Ibn al-Humam (may Allah have mercy on him) states:

"And the author’s statement: ‘And the muthla mentioned in the story of the ‘Araniyeen is abrogated by the later prohibition’ — this is what has been transmitted."

(Fath al-Qadeer, Chapter: The Method of Fighting)

Meaning, the muthla mentioned in the story of the ‘Araniyeen has been abrogated due to the later prohibition.

Allama al-Shami (may Allah have mercy on him) states:

"It is established in Sahihayn and others that there is a prohibition against muthla. If this prohibition came after the story of the ‘Araniyeen, then abrogation is apparent. If the chronological order is not known, there is a conflict between what is prohibited and what is permissible, so the prohibited ruling is given preference, which implicitly includes the abrogation of the other."

(Radd al-Muhtar, Book of Jihad)

Meaning: The prohibition of muthla is established in hadith. If this prohibition came after the story of the ‘Araniyeen, then it is clearly an abrogation. If the chronological sequence is unknown, there is a conflict between what is forbidden and what is allowed. According to the legal principle, the forbidden is given precedence, which inherently implies the abrogation of the other.

Note: The principle of “easing in the taking of life” applies to discretionary punishments (ta’zir) and qisas (retaliation). But in the case of hudood, the punishment decreed by Allah must be carried out exactly as prescribed. For example, in stoning the married adulterer, the principle of easing in taking life is not

applied because this is the divine command, which contains wisdom beyond human understanding. One example of this wisdom is as follows:

A few years ago, a well-known Saudi scholar, Dr. Maroof Do al-Bi, visited Pakistan. While discussing with Pakistani judicial scholars, he agreed that instead of stoning, an adulterer could be executed by shooting. Later, when he met Hazrat Maulana Mufti Mahmood (may Allah have mercy on him) and mentioned this view, Mufti Mahmood stated that this was not correct, because Shariah has prescribed stoning, and if the adulterer repents after receiving some stones, the punishment is immediately suspended. This would not happen if the person is shot, because he would die instantly, and the chance to repent, which Shariah allows, is lost. After this discussion, the doctor acknowledged the wisdom of Shariah and accepted that his opinion was mistaken.

Possibility of Retraction Even with Witnesses:

Even if adultery is proven through testimony, it is possible that one of the four witnesses may retract their statement upon seeing the punishment being carried out. In such a case, the execution of the punishment would be suspended.

(Monthly Anwar-e-Madina, Lahore, April 1994)

If on one hand the punishments of Shariah seem harsh to some, on the other hand, they contain countless worldly and spiritual benefits. This is why the traditions say that the benefit humans gain from enforcing even one hudood is greater than the benefit of forty nights of continuous rainfall.

As narrated in Sunan Ibn Majah:

“From Ibn Umar, that the Messenger of Allah said: ‘The establishment of a hudood punishment from the limits set by Allah is better than forty nights of rain in the lands of Allah Almighty.’”

وصلى الله عليه وآله وصحبه وسلم

May Allah send blessings upon him and his family and companions.